

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)**

IN RE:

DAVID MICHAEL MARESCA

Debtor

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**Case No. 20-11483-khk
(Chapter 7, converted from 11)**

**MOTION TO WITHDRAW AND STRIKE APPEARANCE OF *PRO HAC VICE*
COUNSEL JOHN D. BURNS, ESQUIRE AND LOCAL COUNSEL STEVE H.
GREENFELD, ESQUIRE**

JOHN D. BURNS, ESQUIRE and The Burns LawFirm, LLC, and STEVEN H. GREENFELD, ESQUIRE, and Cohen, Baldinger & Greenfeld, hereby file this Motion to Withdraw and Strike Appearance of *Pro Hac Vice* Counsel and Local Counsel respectively herein (the “Motion”), and states as follows:

John D. Burns, Esquire and The Burns LawFirm, LLC (“TBLF”) entered an appearance for David Maresca (the “Debtor”) in this Chapter 7 Case on February 16, 2021 by a Motion for Admission of *Pro Hac Vice* Counsel and the request was duly granted. The TBLF entered an appearance for Debtor in Adversary No. 20-01601 (*McCarty v. Maresca*) which was successfully resolved and closed. The TBLF entered an appearance for Debtor Adversary No. 21-01028 (*United States Trustee v. Maresca*), which was an ongoing engagement until the Debtor defaulted on November 9, 2021. Regrettably, since such time the Debtor has not been in

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Co-counsel for Debtor, David Michael Maresca

productive or any substantive communication with the TBLF which impairs representation to an professionally unacceptable degree. Likewise, the TBLF has been unable to procure important decisions on behalf of the Debtor which likewise impairs representation such that TBLF cannot effectively function as counsel or an officer of the Court.

Accordingly, after reasonable notice, with regret but necessity TBLF seeks to have its appearance STRICKEN and WITHDRAWN from the main case, Adv. No. 21-01028 with the United States Trustee, and Adv. No. 20-01601, the latter of which is closed but for the purposes of completeness the matter could be reopened for reasons perhaps in the future, unknown at present time. The TBLF provided the Debtor with a letter on September 10, 2021 which notified of him of proposed withdrawal. The TBLF emailed the Debtor last week and again this week concerning potential notice of withdrawal effective today. The Debtor has not responded and it is time for withdrawal. TBLF cannot effectively represent an absentee client.

Likewise, Local Counsel Steven H. Greenfeld, Esquire and Cohen, Baldinger & Greenfeld (“CBG”) seek its appearance STRICKEN and WITHDRAWN after reasonable notice to the Debtor given that adversity has arisen between CBG and Debtor. Withdrawal is mandatory. CBG is necessarily local counsel in both of the aforementioned adversary proceedings and in the main case.

A separate copy of this Motion shall be separately filed in each of the adversary proceedings in addition to this filing in the main case. Reasonable notice is the standard under

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the Local Rules and both TBLF and CBG aver they have met that standard for withdrawal.

No memorandum accompanies this Motion pursuant to Local Rule 9013-1(G) and the points and authorities are combined. Both TBLF and CBG consent to the entry of final Orders in this contested matter by the Bankruptcy Court.

WHEREFORE, TBLF and CBG respectfully request that this Motion be GRANTED and such other and further relief granted as equity and justice may require.

Respectfully submitted this 2nd day of December, 2021.

-----/S/ John D. Burns -----

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-AND-

-----/S/ Steven H. Greenfeld-----

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2021, a copy of the foregoing Debtor's Motion, Notice and Order was served via ECF on registered recipients or by email and mail to the following parties in interest:

VIA ECF:

United States Trustee
1725 Duke Street; STE 650
Alexandria, VA 22314

Jason Gold, Esquire
Dylan C. Trache, Esquire
Nelson, Mullins, Riley & Scarborough, LLP
101 Constitution Avenue, NW; STE 900
Washington DC 20001

VIA MAIL and EMAIL:

David Michael Maresca
8801 Sudley Road, Unit 2721
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/s/ John D. Burns

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